

REMARKS

In the outstanding Office Action, Claims 41-50, 52-57 and 59 stand rejected under 35 USC §103 as unpatentable over Colonel '236 and Robertson '333. Claims 51 and 60 stand withdrawn from further consideration as same are directed to a non-elected species. Claim 58 stands rejected under 35 USC §112, second paragraph.

The undersigned appreciates the courtesies extended during a telephone interview conducted on July 20, 2004 with Examiner's Matecki and Haughland. During this interview, Claims 41, 43, 45, 46 and 53 were discussed, as well as the two prior art references mentioned above. Generally, the undersigned argued that the device disclosed in the Robertson '333 reference senses changes in tension only and adjusts the tension to a predetermined setting, and does not teach the regulation of the rotational resistance of the spool based upon a signal generated by a yarn sensor or a control signal for the winding drive. Since Colonel does not cure this deficiency, it was argued that no combination of these references results in the instant invention. Accordingly, it was agreed that amending independent Claims 41 and 52 to include the features of dependent Claims 45 and 53, respectively, would overcome the above rejection under 35 USC §103, and thus would place the application in condition for allowance.

Claims 41 and 52 are amended herein to respectively include the features of Claims 45 and 53, as agreed. Claims 45 and 53 are accordingly cancelled, and Claims 46, 47, 49, 50, 55 and 58 are amended herein solely to conform with the amendments made to their respective independent claims, and Claim 58 is amended in a manner believed to overcome the indefiniteness rejection.

Lastly, it is submitted that withdrawn Claims 51 and 60 warrant consideration at this time due to their dependence from allowable generic Claims 41 and 53.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested. The Examiner is encouraged to contact the undersigned should any further issues arise.

Respectfully submitted,

  
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